United Nations CEDAW/C/ROU/CO/7-8

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of Romania*

1. The Committee considered the combined seventh and eighth periodic reports of Romania (CEDAW/C/ROU/7-8) at its 1506th and 1507th meetings (see CEDAW/C/SR.1506 and 1507), held on 6 July 2017.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined seventh and eighth periodic reports, which was prepared in response to the list of issues and questions prior to reporting (CEDAW/C/ROU/QPR/7-8). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its distinguished delegation, which was headed by the State Secretary of the National Agency for Equal Opportunities for Women and Men, Aurelia Grațiela Drăghici, and included representatives of the National Agency against Trafficking in Persons of the Ministry of Internal Affairs, the Ministry of Labour and Social Justice, the Ministry of Business, Commerce and Entrepreneurship, the Ministry of Justice, the Ministry of National Education and the Permanent Mission of Romania to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2006 of the State party's sixth periodic report (CEDAW/C/ROU/6) in undertaking legislative reforms, in particular the adoption of the following:

(a) Amendments to Act No. 217/2003 on preventing and combating family violence, in 2013, 2015 and 2016;

(b) Amendments to Act No. 202/2002 on equal opportunities and treatment between women and men, in 2012 and 2015;

* Adopted by the Committee at its sixty-seventh session (3-21 July 2017).

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(c) New Criminal Code, harmonizing legislation on trafficking in persons, in July 2009.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) Establishment of the Interministerial Committee for Preventing and Combating Domestic Violence, in 2016;

(b) Re-establishment of the National Agency for Equal Opportunities for Women and Men, in 2015;

(c) Launch of the "HeForShe" movement, on 8 May 2015;

(d) Establishment of the Department for Equal Opportunities for Women and Men, in 2014;

(e) Launch of the national strategy for equal opportunities for women and men for the periods 2006-2009, in 2006, 2010-2012, in 2010, and 2014-2017, with a general plan of action for its implementation, in 2014;

(f) Development of a national strategy to prevent and combat domestic violence and the related national action plans for the period 2013-2017, in 2012;

(g) Adoption of the national strategy against trafficking in persons, covering the period 2012-2016, in 2011.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), in 2016;

(b) Convention on the Rights of Persons with Disabilities, in 2008.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

D. Principal areas of concern and recommendations

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

8. The Committee notes with concern that, to date, the Convention has not been directly invoked, applied or referred to in court proceedings, nor are there data on women having claimed their rights to non-discrimination and equality by invoking provisions of the Convention or relevant national legislation, which indicates a lack of awareness among the judiciary, lawyers and women themselves about women's rights under the Convention and the procedures under the Optional Protocol thereto.

9. **The Committee reiterates its previous recommendation (A/55/38, part two, para. 305) that the State party ensure that the Convention, the Optional**

Protocol thereto, the Committee's general recommendations and views on individual communications and inquiries and relevant national legislation are made an integral part of legal education and training for all judges, prosecutors and lawyers, with a view to enabling them to apply the Convention directly and/or to interpret national legal provisions in line with the Convention. It also recommends that the State party continue to raise awareness among women about their rights under the Convention and the procedures under the Optional Protocol.

Access to justice and remedies

10. The Committee notes the positive steps taken by the State party to facilitate women's access to justice, including the establishment of a public legal aid system and enhanced capacity-building for judges, magistrates and prosecutors on anti-discrimination legislation. The Committee is concerned, however, at:

(a) Women's lack of trust in the judicial system, their limited awareness about available remedies for obtaining redress and the stigmatization of victims, which leads to underreporting of cases of gender-based violence against women and girls, including psychological and economic violence, sexual harassment and marital rape;

(b) The online publication of the names of victims and witnesses in proceedings for protection orders unless the applicant explicitly requests anonymity and the lack of physical protection of victims in courtrooms, preventing women from seeking justice for gender-based violence and discrimination;

(c) The restrictive eligibility criteria preventing women without sufficient means from gaining access to the newly introduced legal aid system, together with the limited financial resources allocated to this system;

(d) The lack of capacity-building for the police and the judiciary on dealing with cases of gender-based violence in a gender-sensitive manner.

11. **In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Destigmatize victims and raise awareness about the criminal nature of gender-based violence against women and girls, enhance the knowledge of women and girls of their right to seek legal redress and ensure that all reported cases of gender-based violence against women and girls are effectively investigated, perpetrators prosecuted and sentences commensurate with the gravity of the crime;**

(b) **Encourage women to report cases of gender-based violence and discrimination to the relevant authorities by discontinuing the publication of names of witnesses and victims in all cases, employing effective means to protect witnesses during and following court proceedings and ensuring that women and girls have access to victim and witness assistance and protection programmes;**

(c) **Allocate adequate resources and ensure the provision of free legal aid to all women without sufficient means, including rural women, women with disabilities and Roma women, to enable them to claim violations of their human rights before the courts;**

(d) **Provide mandatory capacity-building on gender-sensitive investigation methods for all members of the police and the criminal justice system.**

National human rights institutions

12. The Committee notes that the Romanian Institute for Human Rights is in the process of submitting a new evaluation in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It notes with concern, however, that, notwithstanding the commitment undertaken during its universal periodic review, the State party has not yet amended Act No. 9/1999 to effectively review the status and effectiveness of the Institute.

13. **The Committee encourages the State party to ensure that the Romanian Institute for Human Rights is in full compliance with the Paris Principles, in particular with regard to its mandate to protect women's rights and promote gender equality, the status and duration of membership on its General Board and the immunities afforded to its members for actions arising during the course of their duties with the Institute carried out in good faith. It invites the State party to seek the support and advice of the Office of the United Nations High Commissioner for Human Rights in the process.**

National machinery for the advancement of women

14. The Committee notes the re-establishment of the National Agency for Equal Opportunities for Women and Men and its current work on a new national strategy on gender equality and domestic violence, in collaboration with civil society. It is concerned, however, about:

(a) The lack of human, financial and technical resources allocated to the National Agency for the implementation of Act No. 202/2002, the absence of a mechanism to monitor such implementation and insufficient collaboration with civil society in this regard;

(b) The weak implementation of Act No. 202/2002 and of strategies on equal opportunities and non-discrimination, owing to limited resources;

(c) The lack of gender mainstreaming in government strategies, such as the national strategy entitled "A society without barriers for persons with disabilities", covering the period 2016-2020, and the lack of effective measures to implement gender budgeting;

(d) The exclusive focus on increasing the representation of women in the armed forces abroad in follow-up to Security Council resolution 1325 (2000) on women and peace and security, in addition to the absence of the long-overdue national action plan for its implementation.

15. **The Committee recommends that the State party:**

(a) **Further strengthen the National Agency for Equal Opportunities for Women and Men by allocating adequate human, technical and financial resources, introducing effective monitoring and accountability mechanisms for Act No. 202/2002 at both the central and local levels, enhancing collaboration with civil society in this regard and imposing sanctions for non-compliance;**

(b) **Take due consideration of the present recommendations in the formulation of the new national strategy on gender equality and domestic violence and ensure its effective implementation, as well as the implementation of Act No. 202/2002, including through adequate resource allocation;**

(c) **Include in the new strategy on gender equality and domestic violence measures to implement the principle of transversality, as defined in Act No. 202/2002, through gender mainstreaming and gender budgeting in all**

government strategies and institutions, the performance of gender impact assessments for existing legislation to identify the need for legislative action and the implementation of the plans to establish gender focal points in all relevant ministries and authorities at the national, regional and local levels;

(d) **Adopt, in cooperation with women's organizations, a national action plan to fully implement the provisions of Security Council resolution 1325 (2000) on women and peace and security.**

Stereotypes and harmful practices

16. The Committee welcomes the information provided during the dialogue on the drafting of amendments to the national audiovisual policy and ongoing initiatives to cover gender equality in school textbooks. It is concerned, however, at:

(a) Stereotypical and sometimes degrading images of women, especially of Roma women, in the media and the absence of gender equality education in school curricula and of relevant training for teachers;

(b) The recent resurgence of stereotypical discourse by political figures and religious non-State actors, such as the Romanian Orthodox Church, in relation to the sexual and reproductive health rights of women, which are amplified through the display of stereotypical images on the roles and responsibilities of women and men in society and in the family through the media;

(c) The lack of measures taken to prevent harmful practices in relation to child marriages concluded illegally and under the legal exceptions to the age of 18 years and address the impact on the school attendance of Roma girls.

17. **The Committee recommends that the State party:**

(a) **Expedite the revision of school textbooks to remove discriminatory gender and ethnic stereotypes, include mandatory modules on gender education in school curricula and provide gender training to teachers;**

(b) **Include in the new strategy on gender equality and domestic violence proactive and sustained measures, aimed at women and men at all levels of society, including religious non-State actors and members of political parties, to eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, encourage the media to promote equality of women and men in public and private life and prohibit degrading portrayals of women in the media through amendments to the national audiovisual policy;**

(c) **Study the scale and consequences of forced marriage, early marriage and child marriage and take urgent measures to prevent such forms of marriage by raising awareness about their extremely negative impact on girls, in line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, amend legislation to remove exceptions that allow marriage under the age of 18 years and prosecute and adequately punish the perpetrators.**

Gender-based violence against women

18. The Committee welcomes the submission of draft legislation to Parliament with the aim of harmonizing national legislation on gender-based violence with the Istanbul Convention. It is concerned, however, at:

(a) The absence of data on the number of complaints and court decisions relating to gender-based discrimination in application of the anti-discrimination law;

(b) The limited scope of existing legislation on gender-based violence against women and on protection orders, as well as of the strategy to address gender-based violence and the envisaged strategy for gender equality and domestic violence, which exclude from the scope of the legislative framework gender-based violence committed outside the home and violence committed in de facto unions and fail to explicitly refer to rape and marital rape and to address targeted violence against Roma women;

(c) The fact that the police intervene in cases of gender-based violence against women only upon court mandates, and the insufficient collaboration between the courts, the police and social workers in cases of domestic violence;

(d) The high rates of withdrawal of complaints by victims of gender-based violence and the absence of ex officio prosecutions for offences of that type, as well as the use of mediation in cases of domestic violence;

(e) The requirement of forensic proof of the violence suffered to request a protection order, the low issuance rates and weak implementation of protection orders, the limited efficiency of imposed security distances and the low investigation rates for trespassing and stalking;

(f) The insufficient capacity-building provided to the judiciary, the police and health and social workers on the nature and spirit of criminal law provisions applicable in cases of gender-based violence against women and the procedure for issuing protection orders, as well as on the gender-sensitive treatment of victims;

(g) The requirement to present identity documents to gain access to shelters and health services, the restricted access to legal and psychological counselling, the limited number of shelters and crisis centres for victims in the State party and the lack of public awareness about mechanisms of redress.

19. **Recalling paragraph 21 of its previous concluding observations (CEDAW/C/ROM/CO/6) and its general recommendations No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Systematically collect disaggregated data on cases of gender-based violence and discrimination against women brought before the courts and on the number of protection orders and include such data in the next periodic report;**

(b) **Adopt a legislative package to address all forms of gender-based violence, including violence occurring in marriages and de facto unions, in particular marital rape, and in public and private life, harmonize national legislation on violence against women with the Istanbul Convention and specifically address violence against Roma women;**

(c) **Introduce police-issued protection orders, in addition to existing court-issued protection orders, and expeditiously provide a legal basis for their issuance and apply them to both marriages and de facto unions;**

(d) **Expedite the implementation of police initiatives to prevent the withdrawal of complaints by victims, introduce ex-officio prosecution for offences of gender-based violence against women and ensure that cases of gender-based violence against women, including domestic violence, are, under no circumstances, addressed under mediation procedures;**

(e) **Ease the burden of proof on victims requesting protection orders, guarantee the implementation of those orders by the police and the courts, guarantee access to free legal aid in proceedings in relation to protection orders, reinforce collaboration between police officers and social workers in investigating gender-based violence against women and girls and take measures to efficiently prevent trespassing and stalking;**

(f) **Introduce mandatory capacity-building for judges, prosecutors, lawyers, police officers, social workers and health professionals on the strict application of the legislation criminalizing violence against women and on protocols for dealing with victims in a gender-sensitive manner and make public the standard procedures relating to gender-based violence against women;**

(g) **Ensure that women and girls who are victims of gender-based violence have full and barrier-free access to medical and psychological support, safe shelters within a reasonable distance and counselling and rehabilitation services in all areas of the State party.**

Trafficking, sexual exploitation and prostitution

20. The Committee notes that the criminal involvement of a public official in trafficking has been made an aggravating circumstance in the new Criminal Code. It is concerned, however, at:

(a) The significant number of Romanian women who are trafficked abroad and the trafficking of women with disabilities;

(b) The absence of investigations into public officials suspected of involvement in cases of trafficking and underreporting of trafficking owing to fear of repercussions among victims and witnesses;

(c) The insufficient training of police officers and workplace inspectors intervening in private companies and the sex industry on the detection of and intervention in cases of trafficking and on gender-sensitive ways of dealing with victims of trafficking, together with the absence of unannounced inspections of recruitment agencies and workplaces, such as textile enterprises or domestic households;

(d) The limited resources for and inconsistent application of the national referral mechanism, the outsourcing of assistance to victims of trafficking to women's non-governmental organizations (NGOs) and the limited support granted to those organizations, the restrictions in assistance to victims who refuse to cooperate with prosecutors, the limited psychological assistance available, the poor geographical coverage of rehabilitation services and shelters and the administrative barriers to victims' access to health services;

(e) The lack of awareness among judges and police officers of the criminal nature of exploitation of women in prostitution.

21. **The Committee recommends that the State party:**

(a) **Adopt a new strategy against trafficking in persons that accords priority to measures intended to improve the social and economic situation of women in order to eliminate their vulnerability to trafficking, including by identifying potential victims and facilitating the reintegration of victims, and focus on vulnerable groups, such as rural and Roma women, undocumented women migrant workers and girls exploited by begging rings, including girls who are victims of sexual exploitation;**

(b) Encourage the reporting of crimes by guaranteeing the anonymity and protection of both victims of trafficking and witnesses who testify in trials, investigate all reports alleging involvement of public officials and ensure that perpetrators are adequately punished;

(c) Provide capacity-building on trafficking, victim identification and gender-sensitive ways of dealing with victims for judges, prosecutors, police officers, border guards and labour inspectors and introduce proactive inspections for the identification of trafficking victims in workplaces and recruitment agencies;

(d) Allocate sufficient funds for the implementation of the national referral mechanism and guarantee adequate access of victims to shelters, temporary residence permits and legal, medical and psychosocial assistance, including by providing financial and other forms of support to civil society organizations working with women who are victims of trafficking, irrespective of whether victims are willing or able to cooperate with the prosecutorial authorities;

(e) Raise the awareness of judges and police officers of the criminal nature of exploitation of women in prostitution.

22. The Committee welcomes the decriminalization of women engaging in prostitution in the new Criminal Code. It is concerned, however, at:

(a) The absence of data on women in prostitution;

(b) Inconsistencies between civil and criminal law provisions, resulting in women in prostitution being fined;

(c) Insufficient awareness among members of the judiciary, law enforcement officers, social workers and local administrations on the new provisions of the Criminal Code and the norms applicable to prostitution;

(d) The refusal of local administrations to issue identity documents to women in prostitution in case of debts to the State owing to the fines imposed, preventing them from entering other forms of employment;

(e) The absence of policies and programmes addressing the prevention of exploitation in prostitution and protection, of assistance and legal support for women who are victims of such exploitation and of specific support for women who wish to leave prostitution.

23. **The Committee recommends that the State party:**

(a) Collect and analyse data on the exploitation of women in prostitution;

(b) Harmonize provisions on prostitution in the Civil Code and the Criminal Code in order to legalize prostitution and suspend the imposition of administrative fines on women in prostitution;

(c) Build the capacity of law enforcement officers, including judges, prosecutors and police officers, as well as of social workers and local administrations, on the new provisions of the Criminal Code and other norms applicable to women in prostitution;

(d) Issue directives to ensure the access of women in prostitution to identity documentation and punish non-compliance;

(e) Address the root causes of the exploitation of women and girls in prostitution, including poverty, and provide women with alternative income

opportunities and educational programmes to enhance their literacy, together with exit programmes for women who wish to leave prostitution.

Participation in political and public life

24. The Committee welcomes the increase in the representation of women in Parliament and the legislative initiatives to introduce statutory quotas. Nevertheless, it is concerned at:

(a) The continued low representation of women in Parliament and in the national, regional and local governments, in particular the low number of women mayors;

(b) The lack of effective measures to implement chapter 4 of Act No. 202/2002 on equal opportunities and treatment for men and women and thus ensure the balanced participation of women and men in leadership and decision-making positions in the public administration;

(c) The fact that the initiative currently before Parliament does not ensure that women are not consistently assigned to the least advantageous positions on electoral lists;

(d) The lack of monitoring of the application of provisions requesting the representation of both sexes in political and public life, for example on electoral lists of political parties and on parliamentary committees.

25. **The Committee recommends that the State party:**

(a) **Study the root causes that prevent women from participating in public and political life and design strategies to overcome such barriers, paying particular attention to women belonging to ethnic minority groups;**

(b) **Implement the provisions under chapter 4 of Act No. 202/2002 and accelerate the increase in women's representation in high-level positions in the public administration at the national and local levels, including by providing training for women on leadership skills and adopting measures, such as temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures;**

(c) **Adopt and implement legislative initiatives to introduce statutory quotas in Parliament, in accordance with the Committee's general recommendation No. 23 (1997) on women in political and public life, for example by placing women and men candidates in alternating positions on electoral lists (the so-called "slide" or "zipper" system) in order to achieve gender parity;**

(d) **Introduce incentives and sanctions to ensure compliance with the legal provisions in place to accelerate the participation of women in political and public life and reinforce the monitoring role of the National Agency for Equal Opportunities between Women and Men in this regard.**

Education

26. The Committee welcomes the adoption of a national strategy for the prevention of early school leaving and the information on the ongoing revision of school textbooks. It is concerned, however, at:

(a) The high school dropout rates and low learning achievements in rural areas, as well as the low enrolment, high dropout and poor performance rates in

Roma communities and in economically disadvantaged communities, enhancing the risk of exclusion and poverty among women;

(b) The lack of gender awareness among teachers, who frequently transmit a stereotypical understanding of gender roles, as reflected in school textbooks, and the fact that these books lack information on the historic role of women, including of Roma women, and on their contribution to Romanian culture and science;

(c) The persistent gender segregation in education, the low number of female students enrolled in vocational training courses and in scientific and technological disciplines and the fact that the higher participation of women in tertiary education does not translate into their labour market participation.

27. **The Committee recommends that the State party:**

(a) **Improve school infrastructure in rural areas, including where Roma communities and economically disadvantaged communities live, in order to reduce and eliminate disparities in the access to and completion of compulsory education, abolish classroom segregation and enhance opportunities for inclusive learning and reinforce lifelong education programmes, such as the "Second Chance" programme;**

(b) **Enhance training for teachers on women's rights and gender equality and complete the review of school textbooks to ensure that the historic roles and contributions of women, including Roma women, to Romanian culture and science are adequately reflected;**

(c) **Give priority to eliminating traditional stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study such as science and technology, step up efforts to provide girls with career counselling on non-traditional career paths and encourage girls to participate in non-stereotypical vocational training.**

Employment

28. The Committee welcomes the fact that the national strategy for employment, covering the period 2014-2020, is intended to reconcile work and family life and eliminate discriminatory gender stereotypes. It remains concerned, however, at:

(a) The high unemployment rate among women, especially in rural areas and among Roma women, the unequal division of family responsibilities between women and men, the closure of kindergartens, especially in rural areas, and the disproportionate burden of unpaid care work for women, further restricting their access to formal employment and resulting in lower pension benefits for women compared with men or the exclusion of women from the pension system;

(b) The persistent gender pay gap, despite the existence of legislation on equal pay for work of equal value;

(c) The low participation of women in the private sector, especially in senior management positions and on the boards of private companies;

(d) Restrictions in the access to child-raising allowances to formally employed parents and the introduction of selective criteria for those allowances and family support allowances, which is having a disproportionate impact on women and women-headed households;

(e) The insufficient investigation and lack of prosecution of sexual harassment and sex-based discrimination in the workplace;

(f) The absence of corrective measures to enhance women's access to loans and credits.

29. **The Committee reiterates its previous recommendation (CEDAW/C/ROM/CO/6, para. 29) that the State party:**

(a) **Create more opportunities for women to gain access to formal employment, especially in rural areas, and guarantee their participation in the pension system, accelerate the implementation of plans to promote equal sharing of domestic and family responsibilities between men and women and increase the number of affordable and high-quality childcare facilities throughout the State party;**

(b) **Strengthen the capacity of the National Agency for Equal Opportunities for Women and Men to monitor and enforce the implementation of provisions on equal pay for work of equal value (art. 7 of Act No. 202/2002);**

(c) **Implement plans to combat occupational segregation, including through the introduction of gender-neutral analytical job classifications and evaluation methods and regular pay surveys, and enhance the participation of women in decision-making in the economic sphere, in particular on the management and supervisory boards of private companies, including by introducing quotas for the boards of major enterprises registered with the Romanian stock exchange;**

(d) **Urgently address challenges to ensure that single mothers are provided with adequate and timely child and family allowances and that women engaged in unpaid work or in the informal sector, in both rural and urban areas, have access to such allowances;**

(e) **Develop a confidential and safe system for the filing of complaints relating to sexual harassment and sex-based discrimination in the workplace, ensure that victims have effective access to means of redress and include in the next periodic report data on the number of reported cases of sexual harassment, the number of investigations and prosecutions and the penalties imposed on those responsible;**

(f) **Take targeted corrective measures to enhance women's access to loans and credit.**

Women migrant workers

30. The Committee is concerned at reports of abuse, contemporary forms of slavery and sexual exploitation of Romanian women who are seasonal agricultural workers in Italy, as well as of the labour exploitation of Chinese women in the textile industry in the State party (see A/HRC/18/30/Add.1) and of Filipino women domestic workers in the State party suffering labour exploitation, physical abuse and fearing reprisals by their employers if they file complaints. The Committee is also concerned that the State party has not yet ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO).

31. **The Committee recommends that the State party develop a safe service labour migration policy to protect the human rights of women migrant workers, in accordance with the Committee's general recommendation No. 26 (2008) on women migrant workers, and strengthen the capacity and mandate of labour inspectors to carry out inspections in informal workplaces, such as private households, upon receipt of a credible allegation of serious violations of**

labour standards. It also encourages the State party to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the ILO Domestic Workers Convention, 2011 (No. 189).

Health

32. The Committee welcomes the improvement of procedures and manuals in the field of gynaecological and obstetric care and the training of professionals on methods of family planning, as well the adoption of a national health strategy covering the period 2014-2020. It is concerned, however, at:

(a) The limited access to health care for Roma women, women with disabilities, migrant women, women living with HIV/AIDS, older women and women living in the street owing to a lack of medical equipment, high rates of brain drain of medical personnel, especially in rural areas, the insufficient development of community outreach services and the closure of hospitals in rural areas, in addition to an increase in pregnancy costs and low registration rates for national health insurance. The Committee is concerned that this situation results in insufficient medical follow-up visits, high infant and maternal mortality rates and high breast cancer rates;

(b) High rates of teenage pregnancy, the absence of mandatory age-appropriate education on sexual and reproductive health and rights in the school curriculum and the lack of training of teachers in this field;

(c) The refusal of health professionals and entire hospitals to perform medical abortions, thus causing women to seek unsafe and illegal abortions, the use of abortion as a means of contraception, the discontinuation of funding for the provision of free contraceptives in 2013 and the lack of awareness among adults of modern means of contraception.

33. **The Committee recommends, in line with its general recommendation No. 24 (1999) on women and health, that the State party:**

(a) **Ensure access to affordable and high-quality health-care and family planning and sexual and reproductive health services, especially in rural areas, for pregnant women, older women, women with disabilities, migrant women and Roma women, including by reforming the health-care system and enhancing access to health insurance, taking into consideration the technical guidance of the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);**

(b) **Take adequate measures to carry out a national survey on reproductive health, implement the national strategy for reproductive health and sexuality and the national programme for family planning and introduce mandatory age-appropriate education on sexual and reproductive health and rights in school curricula, including education on modern forms of contraception and the prevention of sexually transmitted infections, the risks of unsafe abortion and the criminal nature of sexual and gender-based violence;**

(c) **Ensure unimpeded and adequate access to legal abortion and post-abortion services for all women in the State party, including by ensuring that institutions are precluded by law from raising conscientious objections, defining the grounds on which it is permissible for health professionals to raise such objections and guaranteeing mandatory referrals in cases of conscientious objections, raise awareness of means of contraception and reproductive and health rights and guarantee the availability and accessibility of modern forms**

of contraception to all women and girls, including those from disadvantaged groups.

Rural women

34. The Committee remains concerned at:

(a) The significant disparities between urban and rural women in terms of access to safe drinking water, sanitation and basic services, such as education, employment, health care and transportation;

(b) The persistence of patriarchal attitudes and discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society in rural areas, resulting in higher levels of gender-based violence against rural women and their lower participation in decision-making processes on rural development;

(c) The lack of specific measures to address the challenges faced by rural women in the State party in the national programme for local development.

35. **The Committee recalls paragraph 31 of its previous concluding observations (CEDAW/C/ROM/CO/6) and recommends, in line with its general recommendation No. 34 (2016) on the rights of rural women, that the State party:**

(a) **Enhance efforts to ensure that rural women have adequate access to safe drinking water and sanitation, as well as to social, health, transportation and other basic services and develop income-generating activities aimed specifically at women in rural areas;**

(b) **Develop specific awareness-raising programmes aimed at rural women, men, girls and boys about the importance of the equal participation of women and girls in public and political life, with the aim of overcoming discriminatory gender stereotypes and eliminating violence against rural women;**

(c) **Take into account the above-mentioned recommendations in the implementation of the national programme for local development.**

Women facing multiple and intersecting forms of discrimination

36. The Committee notes the information received on the development of a strategy for preventing and countering discrimination, the revision of the definition of multiple discrimination in the legislation of the State party and the inclusion of gender equality among the principles of the strategy for the inclusion of Romanian citizens belonging to the Roma minority, covering the period 2012-2020. Nevertheless, it is concerned at:

(a) The fact that Roma, migrant and rural women, women with disabilities, older women and women living with HIV/AIDS are disproportionately affected by poverty and have limited access to health services, education and employment;

(b) The fact that existing legislation does not provide for the operationalization and enforcement of the prohibition of intersecting forms of discrimination;

(c) The lack of human and financial resources allocated to the National Council for Combating Discrimination to ensure the mainstreaming of efforts to combat intersecting forms of discrimination in all government strategies and institutions;

(d) Initiatives intended to abolish legislation on non-discrimination, public hate speech against Roma women by politicians, maltreatment of Roma women by sectors of the police, discrimination against Roma women by social workers and segregation of Roma women in maternity wards;

(e) The low rates of birth registration of Roma babies and children, preventing them from benefiting from basic services, and the insufficient funding for the strategy for the inclusion of Romanian citizens belonging to the Roma minority, covering the period 2012-2020;

(f) The fact that Act No. 448/2006 does not promote the rights of women and girls with disabilities, together with the reports of their forced institutionalization and abuse leading to their death, the discrimination against women with disabilities and the difficulties that they face in gaining access to health-care services owing to there being insufficient medical equipment for their care.

37. **The Committee recommends that the State party:**

(a) **Introduce targeted measures, including temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004), to ensure access to education, social services, health care and insurance for Roma women, migrant women, women with disabilities and women living with HIV/AIDS, with a view to accelerating the realization of substantive equality for those groups, who continue to face intersecting forms of discrimination in the State party;**

(b) **Introduce the prohibition of intersecting forms of discrimination in all governmental strategies, including the national strategy for equal opportunities for women and men, covering the period 2014-2017, and the national strategy entitled "A society without barriers for persons with disabilities", covering the period 2016-2020;**

(c) **Amend the law to define hate speech as a separate crime, ensure the monitoring and sanctioning of such acts and the sanctioning of the segregation of Roma women in hospitals and clinics, build the capacities of relevant professionals on the new legislation, including through targeted training for politicians, health professionals, social workers and police officers, and work with civil society, the media and other stakeholders to promote positive images of women belonging to ethnic minorities, refugees and migrants;**

(d) **Develop measures to identify unregistered children and ensure that all children born in the territory of the State party, in particular Roma children, are registered at birth to ensure their access to education, social services, health care and citizenship, and allocate adequate funding for the implementation of the strategy for the inclusion of Romanian citizens belonging to the Roma minority, covering the period 2012-2020, and expedite the adoption of action plans with clear time-bound targets;**

(e) **Review Act No. 448/2006 in line with the Convention on the Rights of Persons with Disabilities to move its focus to the independent living and inclusion of women and girls with disabilities, reform the health-care and social protection system to prevent their institutionalization, build the capacity of health personnel to eliminate discrimination against women with disabilities and facilitate reporting of cases of violence and abuse.**

Marriage and family relations

38. The Committee is concerned at:

(a) Reports of unregistered marriages and their adverse impact on the acquisition of rights by women during such unions and of their entitlements upon dissolution of the unions, especially in the absence of legal recognition of de facto unions;

(b) The fact that the existing legislative mechanism does not adequately address gender-based violence in the domestic sphere in the determination of child custody;

(c) The lack of adequate legislative measures to guarantee the property rights of women upon divorce, taking into account the gender-based economic disparities between spouses resulting from sex segregation in the labour market and from the greater share of unpaid work being performed by women.

39. **The Committee, recalling its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, recommends that the State party:**

(a) **Prevent the practice of unregistered marriage and undertake legislative reforms with a view to protecting the economic rights of women in de facto unions;**

(b) **Adequately address the consideration of the specific needs of women and children to determine child custody in cases involving gender-based violence in the domestic sphere;**

(c) **Set up a mechanism to take into consideration disparities in the earning capacity and the human potential between the separating spouses, resulting from sex segregation in the labour market and from women performing the greater share of unpaid work.**

Data collection and analysis

40. The Committee remains concerned at the lack of statistical data, disaggregated by sex, age, ethnicity, geographical location and socioeconomic background, and especially subsequent lack of analysis, which is necessary for an accurate assessment of the situation of women and to determine whether they suffer from discrimination, in particular multiple forms of discrimination, for informed and targeted policymaking and for the systematic monitoring and evaluation of the progress achieved towards the realization of women's substantive equality in all areas covered by the Convention.

41. **The Committee recalls paragraph 11 of its previous concluding observations (CEDAW/C/ROM/CO/6) and recommends that the State party improve its data collection and analysis, disaggregated by sex, ethnicity, disability, age, urban and rural areas and other relevant factors necessary to identify trends over time, including cases of multiple and intersecting forms of discrimination, and assess the impact and effectiveness of policies and programmes with the aim of mainstreaming gender equality and enhancing women's enjoyment of their human rights. The Committee requests the State party to include such statistical data and analysis in its next report. In this regard, the Committee draws the State party's attention to its general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from**

relevant agencies of the United Nations system and to enhance its collaboration with women's associations that could assist in securing the collection of accurate data.

Amendment to article 20 (1) of the Convention

42. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

43. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

44. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

45. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.**

Technical assistance

46. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

47. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

Follow-up to the concluding observations

48. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 (d), 19 (a) and (b) and 21 (a) above.**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Preparation of the next report

49. **The Committee requests the State party to submit its ninth periodic report, which is due in July 2021. The report should be submitted on time and, in case of delay, should cover the entire period up to the time of its submission.**

50. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**